

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 976

Introduced by Senator Ashburn

February 22, 2005

An act to add Section 42506.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 976, as amended, Ashburn. Air quality: Protect California Air Act of 2003: stationary sources.

Existing law establishes the Protect California Air Act of 2003 for the purpose of attaining and maintaining ambient air quality standards by the earliest practicable date, protecting public health and welfare from the adverse effects of air pollution, and ensuring that economic growth will occur in a manner consistent with the preservation of existing clean air resources. Existing law prohibits air pollution control districts and air quality management districts from amending or revising their new source review rules or regulations to be less stringent than those rules or regulations that existed on December 30, 2002, except under certain circumstances.

This bill would ~~prohibit the provisions of~~ *permit a district, notwithstanding any provision of* the Protect California Air Act of 2003 ~~from requiring a district reviewing a permit for the modification or replacement of any permitted stationary source on a military installation either to undertake a potential to emit analysis or to require the provision of offsets if both of the following conditions are met, in reviewing the modification or replacement of a permit for a stationary source on a military installation, to waive the requirement of the act, or any regulation implementing the requirement, for a~~

potential to emit analysis, for the provision of emission offsets based on a potential to emit analysis, or for both, provided that the district makes both of the following findings: (1) the projected actual emissions of the modified or replacement source do not exceed the actual emissions of the existing permitted source, and (2) the modified or replacement source includes best available control technology, as required by federal, state, or district regulations.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42506.5 is added to the Health and
- 2 Safety Code, to read:
- 3 ~~42506.5. Nothing in this chapter shall require a district~~
- 4 ~~reviewing a permit for the modification or replacement of any~~
- 5 ~~permitted stationary source on a military installation to undertake~~
- 6 ~~a potential to emit analysis or to require the provision of offsets,~~
- 7 ~~if both of the following conditions are met:~~
- 8 42506.5. *Notwithstanding any other provision of this chapter,*
- 9 *a district reviewing the modification or replacement of a permit*
- 10 *for a stationary source on a military installation may waive the*
- 11 *requirement of this chapter, or any regulation implementing that*
- 12 *requirement, for a potential to emit analysis, for the provision of*
- 13 *emission offsets based on a potential to emit analysis, or for both,*
- 14 *provided that the district makes both of the following findings:*
- 15 (a) The projected actual emissions of the modified or
- 16 replacement source do not exceed the actual emissions of the
- 17 existing permitted source.
- 18 (b) The modified or replacement source includes best available
- 19 control technology, *as required by federal, state, or district*
- 20 *regulations.*